

DD/S 72-0725

2 MAR 1972

OGC Has Reviewed

MEMORANDUM FOR: Deputy Director for Support

SUBJECT : Implementing Procedures Required by the National
Environmental Policy Act of 1969

1. This memorandum contains recommendations for your approval; such recommendations are contained in paragraph 6.

2. The National Environmental Policy Act of 1969 established the Council on Environmental Quality (CEQ) and, among other things, requires that all Federal agencies develop procedures which "will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations."

3. The Office of General Counsel advises that the Act applies to CIA activities, both overt and covert. With respect to overt Agency activities, the Agency would comply overtly, as would any other Government agency. In those

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4. In further reviewing those overt Agency functions which would fall within the scope of the Act, we have determined that these primarily relate to the Agency's construction, acquisition, and/or use of public and commercial buildings or sites such as the Headquarters, Printing Services, NPIC, and Ames Center Buildings. To meet our responsibilities in this respect, we have developed procedures which we would propose to follow as specified in the Act. These procedures, which are substantially in accord with those in effect in other Government agencies, are contained in the attached proposed Logistics Instruction (LI) (Attachment 1). The Act also requires that such procedures be developed in consultation with the CEQ; and, upon your approval of our recommendations contained herein, representatives of our Office of Logistics will contact appropriate officials of the CEQ for such consultation.

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5. In addition to the above, the Act requires that "a detailed statement by the responsible official" be submitted to the CEQ on any action which will have a significant adverse impact on the environment. It is proposed that the Director of Logistics be designated the responsible official for this Agency.

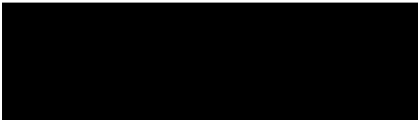
6. To meet the requirements placed on the Agency by the Act, we recommend that:

a. The Director of Logistics be delegated authority to act as the responsible officer referred to above and in Section 102 (2)(C) of the Act.

b. After appropriate consultation with the CEQ, the Director of Logistics issue the proposed LI.

c. Following issuance of the above-noted LI, the proposed Headquarters Notice (Attachment 2) be issued. This HN is intended to insure Agencywide compliance with the salient provisions of the Act and is in keeping with the spirit of the Act.


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John F. Blake
Director of Logistics

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CONCURRENCE:

Coord. by Rone



Lawrence R. Houston
General Counsel

1 March 72

Date

The recommendations contained in paragraph 6 are approved.

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John W. Coffey
Deputy Director
for Support

2 March 1972

Date

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Subject: Implementing Procedures Required by the National Environmental
Policy Act of 1969

O/L Originator

Retyped:DD/S:JWC:llc (2 March 1972)

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INSTRUCTION NO.

LI

SUBJECT: Procedures for Implementing Section 102 (2) (C) of the National Environmental Policy Act

1. PURPOSE

This Logistics Instruction prescribes procedures for implementing Section 102 (2) (C) of the National Environmental Policy Act of 1969 (Public Law 91-190), hereinafter referred to as the Act, with regard to the design, construction, alteration, operation, and use of public buildings and sites, and the lease or purchase of commercial facilities to house Agency activities.

2. BACKGROUND

Section 102 (2) (C) of the National Environmental Policy Act directs all Federal agencies to identify and develop methods and procedures which will insure that environmental amenities and values are given appropriate consideration in decisionmaking along with economic and technical considerations, and to prepare a detailed statement on major Federal actions that significantly affect the quality of the human environment. Executive Order 11514 of March 5, 1970, "Protection and Enhancement of Environmental Quality," implements the purpose and policy of this Act, and "Interim Guidelines," implementing its provisions, have been issued by the Council on Environmental Quality.

3. PROCEDURES

The following procedures are established for complying with the Act:

- a. Officials Responsible for the Environmental Statements. Statements shall be prepared by the Director of Logistics, who has been designated as the responsible official referred to in Section 102 (2) (C) of the Act. The Chief, Real Estate and Construction Division, OL, will assist the D/L as required and provide appropriate technical competence to develop statements in a timely manner consistent with the actions identified in subparagraph 3b, 3c, and 3d of this Instruction.

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- b. Identifying Agency Actions Requiring Environmental Statements. Environmental statements shall be provided when it is concluded that an Agency action will have a significant (by itself or cumulatively) effect on the quality of the human environment. Dollar value alone is not a sufficient indicator; a small repair and improvement project may have significant impact on the environment. Actions requiring environmental statements will include, but not be limited to:
- (1) Awards of contracts or other agreements for repair, maintenance, or operation of a facility which may, through the processes involved, the residue caused or collected, and disposal thereof, adversely affect the environment.
 - (2) Acquisition of real property by lease, assignment, purchase, construction, or otherwise, the operation of which, by the process involved, adversely affect the environment.
 - (3) Actions involving the moving or displacement of people which would materially affect population density.
- c. Information for Environmental Statements. A broad spectrum of pertinent information shall be used in the preparation of the five-point environmental statement required by Section 102 (2) (C) of the Act. Special attention is to be given to the pro-con presentation of alternatives that relate to the short- and long-term environmental decisions. As part of these information gathering efforts, approaches being used by other Federal agencies to similar environmental problems will be examined with the view of utilizing a systematic and interdisciplinary approach.
- d. Content of Environmental Statement.
- (1) The following points are to be covered:
 - (a) The probable impact of the proposed action on the environment, including impact on ecological systems such as wild life, fish, and other marine life. Both primary and secondary significant consequences for the environment should be included in the analysis.

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- (b) Any probable adverse environmental impact which cannot be avoided (such as water or air pollution, damage to life systems, urban congestion, threats to health, or other consequences adverse to the environmental goals set out in Section 101 (b) of P.L. 91-190).
 - (c) Alternatives to the proposed action (Section 102 (2) (D) of the Act) require the responsible agency to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." A rigorous exploration and objective evaluation of alternative actions that might avoid some or all of the adverse environmental effects is essential. Sufficient analysis of such alternatives and their costs and impact on the environment should accompany the proposed action through the review process in order not to foreclose prematurely options which might have less detrimental effects.
 - (d) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity. This requires assessment of the action for cumulative and long-term effects from the perspective that each generation is trustee of the environment for succeeding generations.
 - (e) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. This requires identification of the extent to which the action curtails the range of beneficial uses of the environment.
 - (f) Where appropriate, a discussion of problems and objections raised by other Federal agencies and State and local entities in the review process and the disposition of the issues involved.
- (2) With respect to aspects of the proposed action which have been previously certified by the appropriate State or interstate organization as being in substantial compliance with applicable standards, mere reference to the previous certification is sufficient.

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- (3) Each environmental statement shall be prepared in accordance with the precept in Section 102 (2) (A) of the Act that all agencies of the Federal Government "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decisionmaking which may have an impact on man's environment."
- e. Consulting with Federal, State, and Local Agencies. Where appropriate, prior to completing a detailed draft of an environmental statement, adequate consultation shall be made with the regional offices of the Federal agencies which have jurisdiction by law or expertise for specific areas of environmental quality.
- f. Existing Projects and Programs. The Section 102 (2) (C) procedure shall be applied to further Agency actions having significant effect on the environment even though they arise from projects or programs initiated prior to enactment of PL 91-190.

4. PREPARATION OF FINAL TEXT OF ENVIRONMENTAL STATEMENT

Any comments received from Federal, State, regional, or local officials shall be reconciled, where practicable, with the draft environmental statement through coordination with the particular agency concerned. The environmental statement shall be revised to reflect, when appropriate, the additional data and comments obtained from those agencies. In any event a discussion of problems and objections raised by other Federal agencies and State and local entities in the review process, together with the responsible official's recommended disposition of the issues involved, shall be appended to the final text of the environmental statement.

5. DISTRIBUTION OF COPIES OF FINAL DRAFT

After review and approval, the necessary copies of the final text of the environmental statement will be submitted by the responsible official to the Council on Environmental Quality.

John F. Blake
Director of Logistics

This Notice Expires _____

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PROCEDURES FOR IMPLEMENTING SECTION 102 (2) (C)
OF THE NATIONAL ENVIRONMENTAL POLICY ACT

1. PURPOSE. This Headquarters Notice prescribes procedures for implementing Section 102 (2) (C) of the National Environmental Policy Act of 1969 (Public Law 91-190), hereinafter referred to as the Act.

2. BACKGROUND. Section 102 (2) (B) of the Act directs all Federal agencies to identify and develop methods and procedures which will insure that the environmental amenities and values are given appropriate consideration in decisionmaking, along with economic and technical considerations, and to prepare a detailed statement on major Federal actions that significantly affect the quality of the human environment. Executive Order 11514 of March 5, 1970, "Protection and Enhancement of Environmental Quality," reinforces the purpose and policy of this Act, and "Interim Guidelines," implementing its provisions, have been issued by the Council on Environmental Quality (CEQ).

3. APPLICATION.

a. The Agency recognizes its responsibility as set forth in the Act; and environmental statements shall be provided when it is concluded that an Agency action will have a significant impact on the environment. The sensitive nature of certain Agency-sponsored activities, however, may preclude direct submission of a statement by the Agency. In such cases, other appropriate steps will be taken by the Agency to insure compliance with the Act.

b. It shall be the policy of the Agency, in the development of environment statements, to utilize to the greatest extent possible approaches being used by other Federal agencies with similar problems, and to similarly rely upon the CEQ for continuing advice and guidance. In order to achieve this goal, a continuing liaison will be established with the CEQ and other Federal agencies as appropriate.

4. RESPONSIBILITY. The Director of Logistics, who has been designated the responsible official referred to in Section 102 (2) (C) of the Act, shall be responsible for the preparation and submission of environmental impact statements. To assist in fulfilling this responsibility, Agency components are requested to consult with the Director of Logistics at an early date on any projects which may have a significant adverse impact on the environment.

FOR THE DIRECTOR OF CENTRAL INTELLIGENCE:

JOHN W. COFFEY
Deputy Director
for Support